

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WM HIGH YIELD FUND, et al.	:	CIVIL ACTION
v.	:	
MICHAEL A. O'HANLON, et al.	:	No. 04-3423

ORDER

AND NOW, this 27th day of June, 2013, upon consideration of the parties' submissions,¹ it is hereby ORDERED that Defendant Harold Neas' Motion for Summary Judgment (Doc. No. 261) is GRANTED, and it is further ORDERED that JUDGMENT is entered in favor of Defendant Neas and against Plaintiffs – WM High Yield Fund; WM Income Fund; WM VT Income Fund; AT High Yield Fund; AT Income Fund; and Stellar Funding, Ltd. – on all claims contained in Count I of the Complaint.²

BY THE COURT:

/s/ Legrome D. Davis

Legrome D. Davis, J.

¹ Parties' submissions: Defendant Harold Neas' Motion for Summary Judgment (Doc. No. 261), Memorandum of Law (Doc. No. 261-1), Statement of Undisputed Facts with Exhibits (Doc. No. 261-2), and Reply Memorandum of Law (Doc. No. 283). See also Defendants Deloitte & Touche LLP's and Harold Neas' Joint Memorandum of Law (Doc. No. 263), Reply Memorandum of Law (Doc. No. 286), Supplemental Brief (Doc. No. 305), and Supplemental Reply Brief (Doc. No. 317). Plaintiffs' Memorandum of Law (Doc. No. 269), Counter-Statement of Undisputed Facts (Doc. No. 270), Declaration of James P. McEvilly, III, with Exhibits (Doc. No. 271), and Supplemental Memorandum of Law (Doc. No. 313).

² Separately, Defendants Deloitte and Neas jointly moved for summary judgment (Doc. No. 262), asserting a failure of proof as to other essential elements of this private securities action – loss causation and damages. By another Order and Memorandum also dated June 27, 2013, summary judgment will be granted on those alternative grounds in favor of Deloitte and Neas, and against Plaintiffs, as to all claims contained in the Complaint.